

1 AN ACT concerning public employee benefits.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Pension Code is amended by changing
5 Sections 17-143.5 and 17-149 as follows:

6 (40 ILCS 5/17-143.5 new)

7 Sec. 17-143.5. Testimony and the production of records. The
8 Board shall have the power to issue subpoenas to compel the
9 attendance of witnesses and the production of documents and
10 records in conjunction with the determination of employer
11 payments required under subsection (c) of Section 17-116, a
12 disability claim, an administrative review proceeding, an
13 attempt to obtain information to assist in the collection of
14 sums due to the Fund, or a felony forfeiture investigation. The
15 fees of witnesses for attendance and travel shall be the same
16 as the fees of witnesses before the circuit courts of this
17 State and shall be paid by the party seeking the subpoena. The
18 Board may apply to any circuit court in the State for an order
19 requiring compliance with a subpoena issued under this Section.
20 Subpoenas issued under this Section shall be subject to
21 applicable provisions of the Code of Civil Procedure.

22 (40 ILCS 5/17-149) (from Ch. 108 1/2, par. 17-149)

1 Sec. 17-149. Cancellation of pensions.

2 (a) If any person receiving a disability retirement pension
3 from the Fund is re-employed as a teacher by an Employer, the
4 pension shall be cancelled on the date the re-employment
5 begins, or on the first day of a payroll period for which
6 service credit was validated, whichever is earlier.

7 (b) If any person receiving a service retirement pension
8 from the Fund is re-employed as a teacher on a permanent or
9 annual basis by an Employer, the pension shall be cancelled on
10 the date the re-employment begins, or on the first day of a
11 payroll period for which service credit was validated,
12 whichever is earlier. However, subject to the limitations and
13 requirements of subsection (c-5), the pension shall not be
14 cancelled in the case of a service retirement pensioner who is
15 re-employed on a temporary and non-annual basis or on an hourly
16 basis.

17 (c) If the date of re-employment on a permanent or annual
18 basis occurs within 5 school months after the date of previous
19 retirement, exclusive of any vacation period, the member shall
20 be deemed to have been out of service only temporarily and not
21 permanently retired. Such person shall be entitled to pension
22 payments for the time he could have been employed as a teacher
23 and received salary, but shall not be entitled to pension for
24 or during the summer vacation prior to his return to service.

25 When the member again retires on pension, the time of
26 service and the money contributed by him during re-employment

1 shall be added to the time and money previously credited. Such
2 person must acquire 3 consecutive years of additional
3 contributing service before he may retire again on a pension at
4 a rate and under conditions other than those in force or
5 attained at the time of his previous retirement.

6 (c-5) The service retirement pension shall not be cancelled
7 in the case of a service retirement pensioner who is
8 re-employed as a teacher on a temporary and non-annual basis or
9 on an hourly basis, so long as the person (1) does not work as a
10 teacher for compensation on more than 100 days in a school year
11 or (2) does not accept gross compensation for the re-employment
12 in a school year in excess of (i) \$30,000 or (ii) in the case of
13 a person who retires with at least 5 years of service as a
14 principal, an amount that is equal to the daily rate normally
15 paid to retired principals multiplied by 100. These limitations
16 apply only to school years that begin on or after August 8,
17 2012 (the effective date of Public Act 97-912) ~~this amendatory~~
18 Act of the 97th General Assembly. Such re-employment does not
19 require contributions, result in service credit, or constitute
20 active membership in the Fund.

21 Notwithstanding the 100-day limit set forth in item (1) of
22 this subsection (c-5), the service retirement pension shall not
23 be cancelled in the case of a service retirement pensioner who
24 teaches only driver education courses after regular school
25 hours and does not teach any other subject area, so long as the
26 person does not work as a teacher for compensation for more

1 than 900 hours in a school year. The \$30,000 limit set forth in
2 subitem (i) of item (2) of this subsection (c-5) shall apply to
3 a service retirement pensioner who teaches only driver
4 education courses after regular school hours and does not teach
5 any other subject area.

6 To be eligible for such re-employment without cancellation
7 of pension, the pensioner must notify the Fund and the Board of
8 Education of his or her intention to accept re-employment under
9 this subsection (c-5) before beginning that re-employment (or
10 if the re-employment began before the effective date of this
11 amendatory Act, then within 30 days after that effective date).

12 An Employer must certify to the Fund the temporary and
13 non-annual or hourly status and the compensation of each
14 pensioner re-employed under this subsection at least
15 quarterly, and when the pensioner is approaching the earnings
16 limitation under this subsection.

17 If the pensioner works more than 100 days or accepts excess
18 gross compensation for such re-employment in any school year
19 that begins on or after August 8, 2012 (the effective date of
20 Public Act 97-912) ~~this amendatory Act of the 97th General~~
21 ~~Assembly~~, the service retirement pension shall thereupon be
22 cancelled.

23 If the pensioner who only teaches drivers education courses
24 after regular school hours works more than 900 hours or accepts
25 excess gross compensation for such re-employment in any school
26 year that begins on or after the effective date of this

1 amendatory Act of the 99th General Assembly, the service
2 retirement pension shall thereupon be cancelled.

3 The Board of the Fund shall adopt rules for the
4 implementation and administration of this subsection.

5 (d) Notwithstanding Sections 1-103.1 and 17-157, the
6 changes to this Section made by Public Act 90-32 apply without
7 regard to whether termination of service occurred before the
8 effective date of that Act and apply retroactively to August
9 23, 1989.

10 Notwithstanding Sections 1-103.1 and 17-157, the changes
11 to this Section and Section 17-106 made by Public Act 92-599
12 apply without regard to whether termination of service occurred
13 before the effective date of that Act.

14 Notwithstanding Sections 1-103.1 and 17-157, the changes
15 to this Section made by this amendatory Act of the 97th General
16 Assembly apply without regard to whether termination of service
17 occurred before the effective date of this amendatory Act.

18 (Source: P.A. 99-176, eff. 7-29-15.)

19 Section 99. Effective date. This Act takes effect upon
20 becoming law.